

FINAL BILL REPORT

SHB 1413

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Synopsis as Enacted

Brief Description: Concerning water discharge fees.

Sponsors: House Committee on Agriculture & Natural Resources (originally sponsored by Representatives McCoy, Nelson, Quall and Blake).

House Committee on Agriculture & Natural Resources
House Committee on General Government Appropriations
Senate Committee on Environment, Water & Energy

Background:

The federal Clean Water Act (CWA) sets effluent limitations for discharges of pollutants. "Pollutant" is defined in the CWA to include a variety of materials discharged into water through human activities, construction or industrial processes, or other methods.

The Department of Ecology (DOE) is the delegated CWA authority by the U.S. Environmental Protection Agency (EPA). The DOE also is the agency authorized by state law to implement state water quality programs.

The CWA establishes the National Pollutant Discharge Elimination System (NPDES) permit system to regulate wastewater discharges from point sources to surface waters. "Point sources" are defined generally as discernable, discrete, and confined conveyances from which pollutant discharges can or do occur. The NPDES permits are required for anyone who discharges wastewater to surface waters or who has a significant potential to impact surface waters.

A wastewater discharge permit places limits on the quantity and concentrations of contaminants that may be discharged. Permits may require wastewater treatment or impose operating or other conditions, including monitoring, reporting, and spill prevention planning. The NPDES permits are valid for five years but may be renewed.

In addition to its NPDES permit responsibilities, the DOE administers a state program for discharge of pollutants to state waters. State permits are required for anyone who discharges waste materials from a commercial or industrial operation to ground or to publicly-owned treatment plants. State permits are also required for municipalities that discharge to ground.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

The DOE establishes annual fees to collect expenses for issuing and administering state and NPDES discharge permits. Fees must be based on the complexity of permit issuance and compliance. Fees must be established to fully recover but not exceed the program expenses, including permit processing, monitoring, compliance, evaluation, inspection, and program overhead costs.

Summary:

The DOE may charge an annual fee to municipalities for domestic wastewater facility permits up to 18 cents per month per residence or the residential equivalent that is contributing to the wastewater system. The DOE may also increase fees up to the fiscal growth factor for fiscal years 2010 and 2011, except for categories of discharges whose fees exceed the costs of managing their permits. The DOE is authorized to adjust the fee schedule annually through December 31, 2011.

The DOE, with the advice of an advisory committee, must evaluate the existing fee structure, including the current inequity of fees relative to permit workload. A report on its findings must be reported to the Legislature in 2010.

Votes on Final Passage:

House	59	38
Senate	28	19

Effective: July 26, 2009